

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT Kent County 17th		JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	23	CASE NO. 00306 -CZ
Court address 180 Ottawa Avenue, N.W., Suite 2400, Grand Rapids, MI 49503			Court telephone no. (616) 632-5480		
Plaintiff's name(s), address(es), and telephone no(s). Blake Mazurek, Robin Smith, and Timothy Smith			Defendant's name(s), address(es), and telephone no(s). Kathy Berden, Hank Choate, Mayra Rodriguez, Mari-Ann Henry, Meshawn Maddock, Clifford Frost, John Haggard, Stanley Grot, Kent Vanderwood, Timothy King, Marian Sheridan, Michelle Lundgren, and James Renner, Ken Thompson Amy Facchinello, Rose Rook,		
Plaintiff's attorney, bar no., address, and telephone no. Bradford W. Springer (P67201) Scholten Fant, 100 North Third Street, P.O. Box 454 Grand Haven, MI 49417 616-842-3030 bspringer@scholtenfant.com			v		

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in this court, _____ Court, where it was given case number _____ and assigned to Judge _____.

The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT:

In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date JAN 11 2023	Expiration date* APR 12 2023	Court clerk LISA POSTHUMUS LYONS
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

JURY FEE PAID

STATE OF MICHIGAN

17th CIRCUIT COURT FOR KENT COUNTY

Blake Mazurek,
Robin Smith, and
Timothy Smith,

Plaintiffs,

v.

Kathy Berden,
Mayra Rodriguez,
Meshawn Maddock,
John Haggard,
Kent Vanderwood,
Marian Sheridan,
James Renner,
Amy Facchinello,
Rose Rook,
Hank Choate,
Mari-Ann Henry,
Clifford Frost,
Stanley Grot,
Timothy King,
Michele Lundgren, and
Ken Thompson,

Defendants.

Case No.: B 003061-CZ

Hon.: C. J. Clegg

Bradford W. Springer (P67201)
SCHOLTEN FANT
Attorneys for Plaintiffs
100 N. Third Street, P.O. Box 454
Grand Haven, Michigan 49417
(616) 842-3030
bspringer@scholtenfant.com

Jury Demand

Plaintiffs Blake Mazurek, Robin Smith, and Timothy Smith, through their undersigned counsel, pursuant to MCR 2.508, respectfully demand trial by jury.

Respectfully Submitted,

BLAKE MAZUREK, ROBIN SMITH, and
TIMOTHY SMITH

Date: January 10, 2023

By: Bradford Springer
Bradford W. Springer (P67201)
SCHOLTEN FANT
Attorneys for Plaintiffs

JURY FEE PAID

STATE OF MICHIGAN

17th CIRCUIT COURT FOR KENT COUNTY

Blake Mazurek,
Robin Smith, and
Timothy Smith,

Plaintiffs,

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Kathy Berden,
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Amy Facchinello,
Rose Rook,
Hank Choate,
Mari-Ann Henry,
Clifford Frost,
Stanley Grot,
Timothy King,
Michele Lundgren, and
Ken Thompson,

Defendants.

Case No. 3100306 -CZ

Hon. _____

Bradford W. Springer (P67201)
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Complaint for Declaratory and Other Relief

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

Plaintiffs Blake Mazurek, Robin Smith, and Timothy Smith, for their complaint against defendants for election fraud in connection with the 2020 presidential election in Michigan, respectfully state as follows:

Parties

1. Plaintiff Blake Mazurek is a resident of Kent County.
2. Plaintiff Robin Smith is a resident of Ingham County.
3. Plaintiff Timothy Smith is a resident of Ottawa County.
4. Defendant Kathy Berden is a resident of Sanilac County, based on information and belief.
5. Defendant Mayra Rodriguez is a resident of Wayne County, based on information and belief.
6. Defendant Meshawn Maddock is a resident of Oakland County, based on information and belief.
7. Defendant John Haggard is a resident of Charlevoix County, based on information and belief.
8. Defendant Kent Vanderwood is a resident of Kent County, based on information and belief.
9. Defendant Marian Sheridan is a resident of Oakland County, based on information and belief.
10. Defendant James Renner is a resident of Clinton County, based on information and belief.
11. Defendant Amy Facchinello is a resident of Genesee County, based on information and belief.

12. Defendant Rose Rook is a resident of VanBuren County, based on information and belief.

13. Defendant Hank Choate is a resident of Jackson County, based on information and belief.

14. Defendant Mari-Ann Henry is a resident of Oakland County, based on information and belief.

15. Defendant Clifford Frost is a resident of Macomb County, based on information and belief.

16. Defendant Stanley Grot is a resident of Macomb County, based on information and belief.

17. Defendant Timothy King is a resident of Washtenaw County, based on information and belief.

18. Defendant Michele Lundgren is a resident of Wayne County, based on information and belief.

19. Defendant Ken Thompson is a resident of Ionia County, based on information and belief.

Jurisdiction and Venue

20. This Court has jurisdiction. See, e.g., MCL 600.601, 600.605.

21. Venue is proper. MCL 600.1629.

Facts Relevant to All Counts

22. Leading up to the 2020 presidential election in Michigan, plaintiffs Blake Mazurek, Robin Smith, and Timothy Smith were nominated by the Michigan Democratic Party to serve as three of the sixteen electors on the Democratic slate of presidential electors (i.e., the

Biden/Harris electors), to vote in the Electoral College for President and Vice President of the United States, in the event that the Democratic presidential candidate, Joe Biden, were to win the election in Michigan.

23. Leading up to the 2020 presidential election in Michigan, each of the defendants, except for Mr. Thompson and Mr. Renner, were nominated by the Michigan Republican Party to serve as electors on the Republican slate of presidential electors (i.e., the Trump/Pence electors), to vote in the Electoral College for President and Vice President of the United States in the event that the Republican presidential candidate, Donald Trump, were to win the election in Michigan. Terri Lynn Land and Gerald Wall, neither of whom are parties to this suit, also had been nominated by the Michigan Republican Party to serve as electors on the Republican slate of presidential electors, but they were later replaced by Mr. Thompson and Mr. Renner, respectively.

24. As summarized in the December 22, 2022 *Final Report of the Select Committee to Investigate the January 6th Attack on the United States Capitol* by the 117th Congress, Second Session (House Report 117-663) (hereafter referred to as the “Select Committee Report”)¹, Article II of the United States Constitution, as modified by the Twelfth Amendment, governs election of the President. Article II created the electoral college, providing that the States would select electors in the manner provided by State legislatures, and those electors would in turn vote for the President. Today, every State, including Michigan, selects Presidential electors by popular vote, and each State’s laws provide for procedures to resolve election disputes, including through lawsuits if necessary. After any election issues are resolved in State or Federal court,

¹ Available at <https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf> (last viewed January 10, 2023).

each State's government transmits a certificate of ascertainment of the appointed electors to Congress and the National Archives. *Select Committee Report*, Executive Summary, p. 29.

25. Following the November election at which the office of President of the United States is on the ballot, the electoral college meets in mid-December to cast their votes, and all of the electoral votes are then ultimately counted by Congress on January 6th. The Vice President of the United States, as President of the United States Senate, presides over the joint session of Congress to count these votes. The Twelfth Amendment provides the following straight-forward instruction: "The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall be counted; The person having the greatest number of votes for President shall be the President . . ." The Vice President has only a ministerial role, opening the envelopes and ensuring that the votes are counted. *Select Committee Report*, Executive Summary, p. 30.

26. The Presidential race in the State of Michigan was called on Wednesday November 4, 2020, after the general election held on Tuesday, November 3, 2020. Joe Biden won the election in Michigan by more than 154,000 votes.

27. Michigan Election Law is clear that the one and only slate of electors from Michigan for President and Vice President of the United States is the slate of electors nominated by the political party of the candidate receiving the greatest number of votes at the November Presidential election. MCL 168.42.

28. Following the procedure mandated by Michigan Election Law, MCL 168.46, after the State Board of Canvassers ascertained the result of the election as to the electors of President and Vice President of the United States, the Governor of the State of Michigan certified the results of the election in Michigan and the names of the electors in this State chosen as electors

of President and Vice President of the United States. This is evidenced by the Amended Certificate of Ascertainment of the Electors of the President and Vice President of the United States of America signed and certified by Governor Gretchen Whitmer, under the Great Seal of the State of Michigan. A copy is attached as **Exhibit A**.

29. The Amended Certificate of Ascertainment certified that the slate of electors nominated by the Democratic Party were duly elected as Electors of the President and Vice President of the United States, having received 2,804,040 votes for the winning candidate (Joe Biden) compared to the slate of electors nominated by the Republican Party, which received 2,649,852 votes for the losing Republican candidate (Donald Trump). The Amended Certificate of Ascertainment ultimately was sent according to law to Congress and the National Archives.

30. Following the procedure mandated by Michigan Election Law, MCL 168.47, the slate of electors nominated by the Democratic Party and elected in the general election held in the State of Michigan (i.e., the Biden/Harris Electors, including plaintiffs) duly convened in the State Capitol in Lansing on December 14, 2020, at 2 p.m., and formally cast their 16 electoral votes for Joe Biden for President of the United States. This is reflected in the State of Michigan Certificate of Votes for President and Vice President attached here as **Exhibit B**.

31. Despite the results of a free and fair election in Michigan, canvassed and certified according to Michigan Election Law, the defendants participated in a fraudulent scheme to steal the election and install the losing candidate (Donald Trump) as President.

32. Specifically, the defendants conspired and agreed to submit fraudulent election certificates (1) falsely claiming their candidate had won the election in Michigan, when in fact he had lost by over 153,000 votes; (2) falsely claiming they were “the duly elected and qualified Electors for President and Vice President of the United States of America from the State of

Michigan,” when in fact the appropriate government officials in Michigan had already certified Michigan’s official election results for Joe Biden; and (3) falsely purporting to “certify” that they had “convened and organized in the State Capitol” on December 14, 2020 to cast Michigan’s 16 electoral votes for Donald Trump, when in fact none of this was true. A copy of their fake election “certificate” signed by the defendants and styled “Certificate of the Votes of the 2020 Electors from Michigan,” which they offered as an official public record, is attached here as

Exhibit C.

33. The fraudulent election certificates were sent by the defendants to the President of the Senate of the United States and the Archivist of the United States with an accompanying “Memorandum” from defendant Kathy Berden. Defendant Berden falsely identified herself in the Memorandum as “Chairperson, Electoral College of Michigan” and she falsely claimed to enclose “duplicate originals of Michigan’s electoral votes for President and Vice President . . .” See Exhibit C.

34. Defendant Berden has represented the Michigan Republican Party in the Republican National Committee since 2015.

35. The defendants’ fake elector scheme was closely coordinated with the Trump campaign and with others, including Republican National Committee Chair Ronna McDaniel, such that similar fraudulent election certificates from similar fake Trump slates of electors in other states that Biden won and Trump lost, were submitted to Executive Branch officials at the National Archives, and to the Legislative Branch, including to the Office of the President of the Senate, Vice President Mike Pence. *Select Committee Report*, Executive Summary, pp. 41-43, including fn. 231.

36. The purpose of the fake elector scheme was to give the President of the United States Senate (which, under the Constitution, is the Vice President) a purported justification to refuse to count the real electoral votes on January 6, stealing the election and installing the loser as President. However, the fake elector scheme failed when Vice President Pence and the Senate parliamentarian ultimately refused to recognize or count the unofficial fake electoral votes.

Select Committee Report, Executive Summary, p. 43.

37. Defendant Meshawn Maddock, a co-chair of the Michigan Republican Party, later told an audience in January 2022 regarding the false Trump electors: “We fought to seat the electors. The Trump campaign asked us to do that.” *Select Committee Report*, p. 351.

38. Defendants’ scheme attempted to subvert the sacred right of qualified voters in Michigan, enshrined in the State Constitution, to have their votes counted. Michigan Constitution of 1963, Art. II, Sec. 4.

39. In participating in this fake elector scheme, defendants violated multiple state and federal criminal laws, including the following: MCL 168.932(d) (making it a felony to “in any manner obstruct or attempt to obstruct any elector in the exercise of his or her duties as an elector under this act”); MCL 168.933a(a) (making a person guilty of election forgery if he or she “Knowingly makes, files, or otherwise publishes a false document with intent to defraud”); MCL 750.248(1) (“A person who falsely makes, alters, forges, or counterfeits a public record . . . with intent to injure or defraud another person is guilty of a felony punishable by imprisonment for not more than 14 years”); 18 U.S.C. Section 371 (“If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five

years, or both"); and 18 U.S.C. Section 1001 (which applies, in relevant part, to "whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.")

40. Defendant Kathy Berden (described on the fake election certificates and accompanying memorandum as the "Chairperson" of the purported "Electoral College of Michigan") and Defendant Mayra Rodriguez (described on the fake election certificates as the "Secretary" of the fake Trump electors) were subpoenaed for depositions by the Congressional Select Committee to Investigate the January 6th Attack on the United States Capitol. Each was asked simple questions about their signatures on the fake election certificates and why they signed the certificates purporting to cast electoral college votes for Donald Trump despite the fact that he had lost the State of Michigan. Instead of answering these questions, each repeatedly invoked their privilege under the Fifth Amendment against self-incrimination, on the basis that their truthful answers might tend to incriminate them in a later criminal proceeding. A copy of defendant Berden's deposition transcript is attached here as **Exhibit D**. A copy of defendant Rodriguez's deposition transcript is attached here as **Exhibit E**.

41. Defendants' invocation of their Fifth Amendment privilege against incrimination, while protective in a criminal case, allows an adverse inference in a civil case like this one that their truthful answers would support the plaintiffs' claims. *Phillips v. Deihm*, 213 Mich. App. 389, 399-400 (1995) ("The privilege against self-incrimination not only permits a person to refuse to testify against himself at a criminal trial in which he is a defendant, but also permits

him not to answer official questions put to him in any other proceeding, civil or criminal, formal or informal, where the answers might incriminate him in future criminal proceedings. *Allen v. Illinois*, 478 U.S. 364, 368, 106 S.Ct. 2988, 2991, 92 L.Ed.2d 296 (1986); *In re Stricklin*, 148 Mich.App. 659, 663, 384 N.W.2d 833 (1986). However, the Fifth Amendment does not forbid adverse inferences against parties to civil actions when they refuse to testify in response to probative evidence offered against them: the amendment does not preclude the inference where the privilege is claimed by a party to a civil cause.”) (citing *Baxter v. Palmigiano*, 425 U.S. 308, 318 (1976) (“the Fifth Amendment does not forbid adverse inferences against parties to civil actions when they refuse to testify in response to probative evidence offered against them.”) (citation omitted). See also M Civ JI 6.01 (Michigan’s relevant civil jury instruction explicitly instructs the jury regarding the allowable adverse inference against a party for the failure to produce a witness or evidence under the party’s control).

42. Defendants’ fraudulent election certificates falsely portrayed themselves as the real electors, conversely implying that the Biden electors, including plaintiffs, were invalid and illegitimate, at best, or fraudulent and criminal, at worst.

43. Defendants’ fake elector scheme fueled widespread disinformation and confusion about the outcome of the election and falsely cast doubt on the legitimacy of the Biden Electors performing their civic and legal duty as the only true Electors of the State of Michigan for President and Vice President of the United States in the 2020 election. This is despite the fact that calling into question the legitimacy of the Biden Electors, including plaintiffs, was utterly lacking any good faith basis.

44. The defendants’ conduct is highly offensive to any reasonable citizen. Indeed, defendants’ fake elector scheme is contrary to and undermines the basic democratic principles

upon which our country is founded. Almost everyone in our society recognizes that lying, cheating, and stealing is wrong, and to do so in connection with a presidential election is traitorous, anti-democratic, and utterly outrageous.

45. Plaintiffs were highly offended by being cast in the false light created by defendants. Plaintiffs viewed themselves as performing a civil and lawful duty as presidential electors in support of a country they love, only to have their legitimacy questioned and their integrity falsely and publicly denigrated by defendants' lies in their fake election certificates that defendants were the real Electors of the State of Michigan for President and Vice President of the United States.

46. Plaintiffs suffered humiliation, mental anguish, and stress as a result of being cast in the false light created by defendants' election fraud and lies.

47. Defendants' election fraud and the resulting humiliation, mental anguish, and stress has made plaintiffs apprehensive about again seeking to be nominated as presidential electors in 2024.

48. Defendants' election fraud cynically perpetuated the "Big Lie" that the election was stolen, while in truth it was the defendants and their co-conspirators who were attempting to steal the election. Defendants' conduct has weakened our democracy by eroding public trust in our elections, including future elections in which plaintiffs might serve as electors.

Count I: Declaratory Judgment

49. Plaintiffs incorporate by reference the preceding paragraphs as if restated here.

50. Plaintiffs are entitled to a declaratory judgment, under MCR 2.605, declaring that they were legitimate Electors of the State of Michigan for President and Vice President of the

United States in the 2020 presidential election and that defendants' conduct violated Michigan law.

Count II: Invasion of Privacy – False Light

51. Plaintiffs incorporate by reference the preceding paragraphs as if restated here.

52. Defendants' fake elector certificates were purportedly public documents and indeed were publicized to many people, including by submission to the United States National Archives and the President of the United States Senate.

53. Defendants' fake elector certificates placed plaintiffs in a false light, falsely portraying defendants as the only real electors and necessarily implying that plaintiffs were not legitimate or valid electors.

54. Defendants' fake elector certificates, falsely implying that defendants, not plaintiffs, were the real electors, were highly offensive to a reasonable person and also to plaintiffs.

55. Defendants acted with actual malice. They knew when they submitted their election certificates that the certificates were fraudulent, that they were fake electors, and that the real Biden electors would be placed in a false light as a result of defendants' scheme.

56. Defendants' conduct has harmed plaintiffs in multiple ways, including by causing reputational harm, humiliation, mental anguish, and stress, and defendants' conduct has made plaintiffs apprehensive about again seeking to be nominated to serve as presidential electors in 2024. In addition, defendants' conduct has undermined public trust and confidence in elections and the willingness to accept future election results, including future elections in which plaintiffs may serve as Electors of the State of Michigan for President and Vice President of the United States.

Count III: Statutory Conversion in Violation of MCL 600.2919a

57. Plaintiffs incorporate by reference the preceding paragraphs as if restated here.

58. Plaintiffs had an intangible personal property interest in their lawful office as true Electors of the State of Michigan for President and Vice President of the United States, having been duly and lawfully elected in the General Election held in the State of Michigan on November 3, 2020.

59. Plaintiffs' property interest and status as true Electors is officially memorialized in the State of Michigan Amended Certificate of Ascertainment of the Electors of the President and Vice President of the United States of America (Exhibit A), and in the State of Michigan Certificate of Votes for President and Vice President (Exhibit B).

60. Plaintiffs were vested with possession of their property interests as recognized and memorialized in (1) the State of Michigan Amended Certificate of Ascertainment of the Electors of the President and Vice President of the United States of America and (2) the State of Michigan Certificate of Votes for President and Vice President.

61. Defendants wrongfully exerted dominion over plaintiff's property interest as true Electors in a manner inconsistent with the plaintiff's rights. Specifically, by signing their fake election certificates described above (i.e., the "Certificate of the Votes of the 2020 Electors from Michigan" attached as Exhibit C); by falsely claiming therein that they were "the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Michigan"; by falsely purporting to "certify" that they had cast Michigan's 16 electoral votes for Donald Trump; and by mailing the fake election certificates to the President of the Senate of the United States and the Archivist of the United States to serve as an official public record purportedly from the true Electors of the State of Michigan, defendants purported to

perform a function that only the true Electors had the right and duty to perform. Defendants purported to vote for the losing candidate, entirely contradicting the right and the duty of the true Electors to vote for the winning candidate.

62. Defendants put plaintiffs' converted property to their own use as described above by fraudulently holding themselves out as the true Electors and purporting to cast their fake electoral votes for the losing candidate, basing their action on the fake election certificates that contradicted the true certificates in which plaintiffs had an interest – (1) the State of Michigan Amended Certificate of Ascertainment of the Electors of the President and Vice President of the United States of America and (2) the State of Michigan Certificate of Votes for President and Vice President.

63. As a result, defendants engaged in conversion in violation of MCL 600.2919a, entitling plaintiffs to treble damages and attorney fees as provided by statute.

64. Defendants' conduct has caused plaintiffs to suffer actual damages as described above, including reputational harm, humiliation, mental anguish, and stress. In addition, defendants' conduct has made plaintiffs apprehensive about again seeking to be nominated to serve as presidential electors in 2024. In addition, defendants' conduct has undermined public trust and confidence in elections and the willingness to accept future election results, including future elections in which plaintiffs may serve as Electors of the State of Michigan for President and Vice President of the United States.

Count IV: Civil Conspiracy

65. Plaintiffs incorporate by reference the preceding paragraphs as if restated here.

66. Defendants combined together with each other to engage in concerted action to accomplish the criminal violations alleged in paragraph 39 above by submitting their fake elector certificates.

67. Defendants also combined together with each other to engage in concerted action to accomplish an unlawful purpose in portraying the Biden electors, including plaintiffs, in a false light; by falsely portraying defendants as the real electors and necessarily implying that plaintiffs were invalid and illegitimate electors.

68. Defendants also combined together with each other to engage in concerted action to accomplish an unlawful purpose in falsely portraying themselves as the real electors from the State of Michigan, thereby converting plaintiff's intangible property interest in their lawfully acquired position as true electors.

69. Defendants' conduct has caused plaintiffs to suffer actual damages as described above, including reputational harm, humiliation, mental anguish, and stress. In addition, defendants' conduct has made plaintiffs apprehensive about again seeking to be nominated to serve as presidential electors in 2024. In addition, defendants' conduct has undermined public trust and confidence in elections and the willingness to accept future election results, including future elections in which plaintiffs may serve as Electors of the State of Michigan for President and Vice President of the United States.

Relief Requested

Plaintiffs respectfully request that this Court enter judgment in their favor, against defendants, including the following relief:

- (a) A declaration that plaintiffs, not defendants, were true Electors of the State of Michigan for President and Vice President of the United States, and that defendants' fake elector scheme was illegal under Michigan law;
- (b) Damages in an amount in excess of \$25,000 to be proven at trial;
- (c) Treble damages and reasonable attorney fees as provided by MCL 600.2919a;
- (d) Exemplary damages;
- (e) Costs of suit; and
- (f) Such further relief in plaintiffs' favor and against defendants as this Court deems equitable and just.

Respectfully Submitted,

BLAKE MAZUREK, ROBIN SMITH, and
TIMOTHY SMITH

Date: January 10, 2023

By: Bradford Springer
Bradford W. Springer (P67201)
SCHOLTEN FANT
Attorneys for Plaintiffs

EXHIBIT A



STATE OF MICHIGAN

OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

**AMENDED CERTIFICATE OF ASCERTAINMENT OF THE ELECTORS OF THE
PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES OF AMERICA**

I, Gretchen E. Whitmer, Governor of the State of Michigan, certify that at the general election held in Michigan on Tuesday, November 3, 2020:

The following persons nominated by the Democratic Party, each having received 2,804,040 votes, were duly elected as Electors of the President and Vice President of the United States of America:

Chris Cracchiolo	5140 Arrowhead Ct., Williamsburg, MI 49690
Timothy E. Smith	14883 Crescent St., 105, Grand Haven, MI 49417
Blake Mazurek	3458 Oldridge Dr. NE, Grand Rapids, MI 49525
Bonnie J. Lauria	3931 Mines Rd., West Branch, MI 48661
Bobbie Walton	8412 Mapleview Dr., Davison, MI 48423
Mark Edward Miller	122 Sydelle Ave., Kalamazoo, MI 49006
Conner Wood	319 N. Bowen St., Jackson, MI 49202
Robin Smith	3004 Andrea Dr., Lansing, MI 48906
Walter C. Herzig III	320 Stratford Rd., Ferndale, MI 48220
Carolyn Holley	727 White St., Port Huron, MI 48060
Susan Nichols	44099 Deep Hollow Circle, Northville, MI 48168
Steven Rzeppa	2985 Anna Ct., Trenton, MI 48183
Helen Moore	8335 Indiana St., Detroit, MI 48204
Michael Kerwin	17517 Birchcrest Dr., Detroit, MI 48221
Chuck Browning	20091 Herzog Dr., Rockwood, MI 48173
Marseille Allen	4442 Jena Ln., Flint, MI 48507

Votes received by other candidates for the office of Elector of the President and Vice President of the United States of America are as follows:

The following persons nominated by the Republican Party each received 2,649,852 votes: John Haggard; Kent Vanderwood; Terri Lynn Land; Gerald Wall; Amy Facchinello; Rose Rook; Hank Choate; Mari-Ann Henry; Clifford Frost; Stanley Grot; Marian Sheridan; Timothy King; Michele Lundgren; Mayra Rodriguez; Meshawn Maddock; and Kathy Berden.

The following persons nominated by the Libertarian Party each received 60,381 votes: David Holmer; Alexander Avery; Vicki Hall; Richard Hewer; Angela Thornton; Rafael Wolf; James Lewis Hudler; Jon Elgas; Greg Stempfle; Jim Fulner; Joseph LeBlanc; Claranna Gelineau; Andrew Chadderdon; Scott Avery Boman; Connor Nepomuceno; and Andy Evans.

The following persons nominated by the **Green Party** each received 13,718 votes: Stephen Boyle; Destiny Clayton; Jean-Michel Creviere; Frank Foster, Jr.; Jennifer Kurland; Melissa Noelle Lambert; John Anthony La Pietra; Robin Laurain; Daniel Martin-Mills; Jessica McCallie-Arquette; Louis Novak; Jeffery Jon Rubley II; Rick Sauermilch; Amanda Slepr; N. J. Sparling; and Marcia Squier.

The following persons nominated by the **U.S. Taxpayers Party** each received 7,235 votes: Mary Sears; Christine Schwartz; William Mohr II; Doug Levesque; Patrick Lambert; Aaron Nichols; Edward J. Sanger; Victoria Monroe; Lester Townsend; Christopher Rudy; William A. Kohn, Jr.; Paul Stahl; Marc Sosnowski; Cecile A. Harrity; Robert Gale; and Gerald Van Sickle.

The following persons nominated by the **Natural Law Party** each received 2,986 votes: Connie Tewes; Mary Schutt; Dan Royer; Paul A. Natke; Shelly L. Reynolds; Donald Meyer; Gene Capatina; Ramzi Masri-Elyafaoui; Jacob Schlau; James Radatz; Daniel S. Smith; Mark Moylan; Guy Purdue; Nicholas Malzone; Robert Forreider; and Daniel B. Smith.

The following persons nominated by write-in candidate Brian T. Carroll each received 947 votes: Michael MATUREN; Robert Clark II; Jason Kennedy Duncan; Paul L. DuBois; Timothy Doublestein; Jason Gatties; Lucy Ellen Moye; Lloyd A. Conway; Linnaea Joyce Licavoli; Tsai-Yi Watts; John Henry Svoboda; Benjamin Setterholm; Brandon Barry Mullins; Daniel Patrick Meloy; Elisa J. Kolk; and Matthew James Williams.

The following persons nominated by write-in candidate Jade Simmons each received 88 votes: Cecilia Lester; Tyler Prough; James Ryans; Chelsea Slocum; Raymond Hall; Dana Morris; Janasia Johnson; Terrel Boyd; Constance Clay; Erika Couch; Tyrone Pickens; Karalyn Schubring; Michele Coleman; Grant Philson; Jherrard Hardeman; and Gertrude Taylor.

The following persons nominated by write-in candidate Tom Hoefling each received 32 votes: Mark A. Aungst; Scott Suchecki; Richard Nagel; Mark Zimmerman; Justin Phillips; Kimberly Cleveland; Thomas Frederick; Kurt Richards; Georgia S. Halloran; Dawne Worden; Kim Millard; Alan G. Sides; DaWone Allison; Samuel Denson; Joshua Ohlman; and Suzanne M. Stuut.

The following persons nominated by write-in candidate Kasey Wells each received 5 votes: Sandra Murrell; Ronald Klett; Andrew Colclasure; Charity Archer; Paul Atkins; Shiquita Reed; Mark Jeffrey; Brian W. Gibbs, Jr.; William W. Brown; Patricia Gorzelski; Anthony Jackson; Jeremy Mortensen; Justen Grieve; Shiesha Davis; Matthew Shepard; and Miranda Ames.

(cont.)

Given under my hand and the Great Seal of the State of Michigan.

Date: November 23, 2020

Time: 5:30pm



Gretchen Whitmer
GRETCHEN WHITMER
GOVERNOR

By the Governor:

Laura B. Bomm
LAURA B. BOMM
SECRETARY OF STATE



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

**CERTIFICATE OF ASCERTAINMENT OF THE ELECTORS OF THE PRESIDENT
AND VICE PRESIDENT OF THE UNITED STATES OF AMERICA**

I, Gretchen E. Whitmer, Governor of the State of Michigan, certify that at the general election held in Michigan on Tuesday, November 3, 2020:

The following persons nominated by the **Democratic Party**, each having received **2,804,040 votes**, were duly elected as Electors of the President and Vice President of the United States of America:

Chris Cracchiolo	5140 Arrowhead Ct., Williamsburg, MI 49690
Timothy E. Smith	14883 Crescent St., 105, Grand Haven, MI 49417
Blake Mazurek	3458 Oldridge Dr. NE, Grand Rapids, MI 49525
Bonnie J. Lauria	3931 Mines Rd., West Branch, MI 48661
Bobbie Walton	8412 Maplevue Dr., Davison, MI 48423
Mark Edward Miller	122 Sydelle Ave., Kalamazoo, MI 49006
Connor Wood	319 N. Bowen St., Jackson, MI 49202
Robin Smith	3004 Andrea Dr., Lansing, MI 48906
Walter C. Herzig III	320 Stratford Rd., Ferndale, MI 48220
Carolyn Holley	727 White St., Port Huron, MI 48060
Susan Nichols	44099 Deep Hollow Circle, Northville, MI 48168
Steven Rzeppa	2985 Anna Ct., Trenton, MI 48183
Helen Moore	8335 Indiana St., Detroit, MI 48204
Michael Kerwin	17517 Birchcrest Dr., Detroit, MI 48221
Chuck Browning	20091 Herzog Dr., Rockwood, MI 48173
Marseille Allen	4442 Jena Ln., Flint, MI 48507

Votes received by other candidates for the office of Elector of the President and Vice President of the United States of America are as follows:

The following persons nominated by the **Republican Party** each received **2,649,852 votes**: John Haggard; Kent Vanderwood; Terri Lynn Land; Gerald Wall; Amy Facchinello; Rose Rook; Hank Choate; Mari-Ann Henry; Clifford Frost; Stanley Grot; Marian Sheridan; Timothy King; Michele Lundgren; Mayra Rodriguez; Meshawn Maddock; and Kathy Berden.

The following persons nominated by the **Libertarian Party** each received **60,381 votes**: David Holmer; Alexander Avery; Vicki Hall; Richard Hewer; Angela Thornton; Rafael Wolf; James Lewis Hudler; Jon Elgas; Greg Stempfle; Jim Fulner; Joseph LeBlanc; Claranna Gelineau; Andrew Chadderdon; Scott Avery Boman; Connor Nepomuceno; and Andy Evans.

The following persons nominated by the Green Party each received 13,718 votes:
Stephen Boyle; Destiny Clayton; Jean-Michel Creviere; Frank Foster, Jr.; Jennifer Kurland; Melissa Noelle Lambert; John Anthony La Pietra; Robin Laurain; Daniel Martin-Mills; Jessica McCallie-Arquette; Louis Novak; Jeffery Jon Rubley II; Rick Sauermilch; Amanda Slep; N. J. Sparling; and Marcia Squier.

The following persons nominated by the U.S. Taxpayers Party each received 7,235 votes: Mary Sears; Christine Schwartz; William Mohr II; Doug Levesque; Patrick Lambert; Aaron Nichols; Edward J. Sanger; Victoria Monroe; Lester Townsend; Christopher Rudy; William A. Kohn, Jr.; Paul Stahl; Marc Sosnowski; Cecile A. Harrity; Robert Gale; and Gerald Van Sickle.

The following persons nominated by the Natural Law Party each received 2,986 votes: Connie Tewes; Mary Schutt; Dan Royer; Paul A. Natke; Shelly L. Reynolds; Donald Meyer; Gene Capatina; Ramzi Masri-Elyafaoui; Jacob Schlau; James Radatz; Daniel S. Smith; Mark Moylan; Guy Purdue; Nicholas Malzone; Robert Forreider; and Daniel B. Smith.

The following persons nominated by write-in candidate Brian T. Carroll each received 963 votes: Michael MATUREN; Robert Clark II; Jason Kennedy Duncan; Paul L. DuBois; Timothy Doublestein; Jason Gatties; Lucy Ellen Moye; Lloyd A. Conway; Linnaea Joyce Licavoli; Tsai-Yi Watts; John Henry Svoboda; Benjamin Setterholm; Brandon Barry Mullins; Daniel Patrick Meloy; Elisa J. Kolk; and Matthew James Williams.

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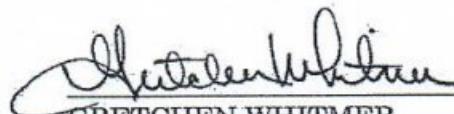
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Given under my hand and the Great Seal of the State of Michigan.

Date: December 30, 2020

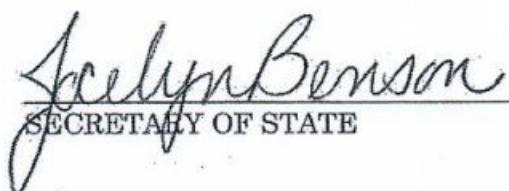
Time: 9:37am





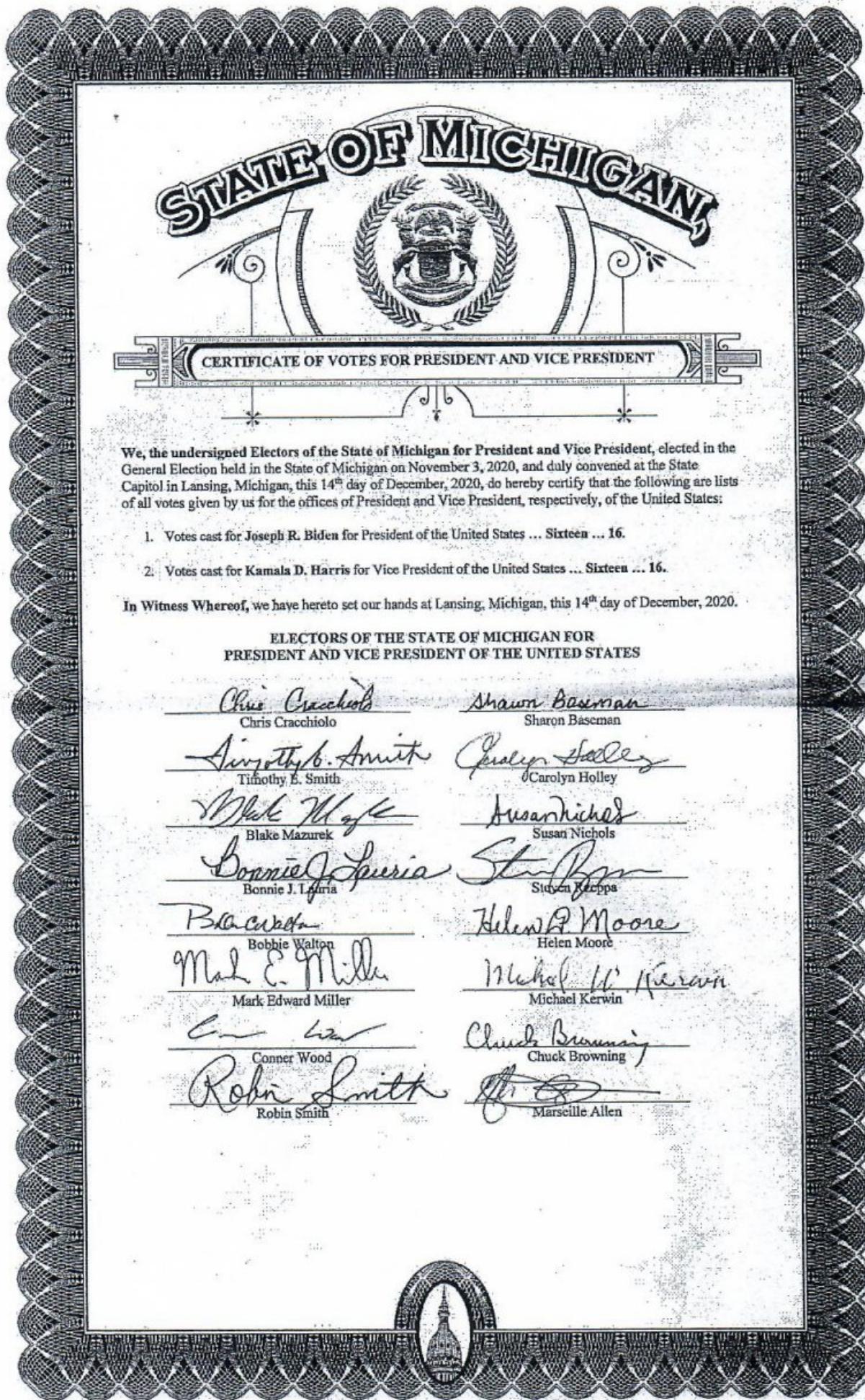
GRETCHEN WHITMER
GOVERNOR

By the Governor:



JOCELYN BENSON
SECRETARY OF STATE

EXHIBIT B



State of Michigan



DEPARTMENT OF STATE

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*I, Jocelyn Benson, Secretary of State of the State of Michigan and custodian of the Great Seal of the State, hereby certify that the attached documents are true copies of (1) the resignation of Elector Walter C. Herzog III and (2) the Certificate of Filling Vacancy for Sharon Baseman for the Electoral College meeting on December 14, 2020 in the State of Michigan. *****end of certification******

IN TESTIMONY WHEREOF, I have hereto affixed my signature and Great Seal of the State, at Lansing, this 10th day of December in the year of our Lord two thousand and twenty.

A handwritten signature in black ink that reads "Jocelyn Benson".

Secretary of State

257493-1-661848-OGS

This certification attests only to the authenticity of the signature of the official who signed the affixed document, the capacity in which that official acted, and where appropriate, the identity of the seal or stamp which the document bears. This certification is not intended to imply that the contents of the document are correct, nor that they have the approval of the State of Michigan.

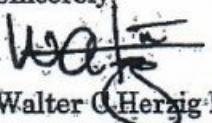
December 10, 2020

Governor Gretchen Whitmer
P.O. Box 30013
Lansing, Michigan 48909

Dear Governor Whitmer,

I hereby resign from the office of Elector of President and Vice-President of the United States.

Sincerely,


Walter C. Heraig III

Cc: Lavora Barnes

State of Michigan



Certificate of Filling Vacancy

At the meeting of the Electors of President and Vice President,

SHARON BASEMAN

was duly elected by the Electors present, in the manner provided by law,
as an Elector of President and Vice President for the State of Michigan to
fill the vacancy in the office caused by the

RESIGNATION

of Elector

WALTER C. HERZIG, III

In Witness Whereof, We the Chairperson and Secretary of the
Electoral College of Michigan, have hereto set our hands at
Lansing, Michigan, the 14th day of December, A.D. 2020.

Gene Sewart

Chairperson

J. A. H.

Secretary

EXHIBIT C

M E M O R A N D U M

TO: President of the Senate (By Registered Mail)
United States Senate
Washington, D.C. 20510

Archivist of the United States (By Registered Mail)
700 Pennsylvania Avenue, NW
Washington, DC 20408

Secretary of State (By Certified Mail)
State of Michigan
430 Allegan Street
Richard H. Austin Bldg., 4th Floor
Lansing, MI 48918

Chief Judge, U.S. District Court (By Certified Mail)
Western District of Michigan
113 Federal Building
315 West Allegan Street
Lansing, MI 48933

FROM: Kathy Berden, Chairperson, Electoral College of Michigan

DATE: December 14, 2020

RE: Michigan's Electoral Votes for President and Vice President

Pursuant to 3 U.S.C. § 11, enclosed please find duplicate originals of Michigan's electoral votes for President and Vice President, as follows: two (2) duplicate originals for the President of the Senate and the Archivist, and one (1) duplicate original for the Secretary of State and Chief Judge.

CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM MICHIGAN

WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Michigan, do hereby certify the following:

- (A) That we convened and organized in the State Capitol, in the City of Lansing, Michigan, and at 2:00 p.m. Eastern Standard Time on the 14th day of December, 2020, performed the duties enjoined upon us;
- (B) That being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then for Vice President, by distinct ballots; and
- (C) That the following are two distinct lists, one, of all the votes for President; and the other, of all the votes for Vice President, so cast as aforesaid:

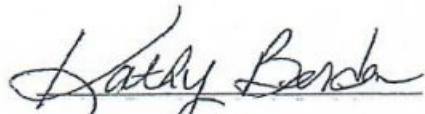
FOR PRESIDENT

Names of the Persons Voted For	Number of Votes
DONALD J. TRUMP of the State of Florida	16

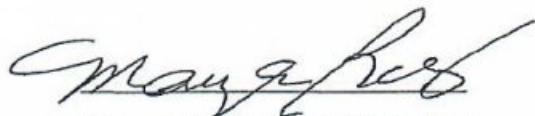
FOR VICE PRESIDENT

Names of the Persons Voted For	Number of Votes
MICHAEL R. PENCE of the State of Indiana	16

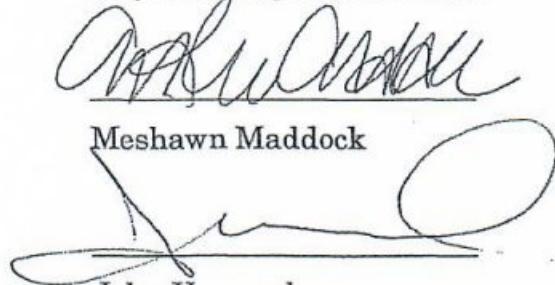
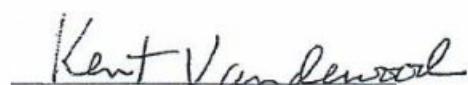
IN WITNESS WHEREOF, we, the undersigned, have hereunto, in the City of Lansing, in the State of Michigan, on this 14th day of December, 2020, subscribed our respective names.



Kathy Berden, Chairperson



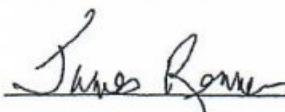
Mayra Rodriguez, Secretary


John Haggard

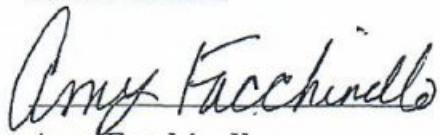
Kent Vanderwood



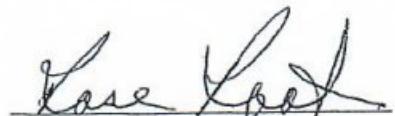
Marian Sheridan



James Renner



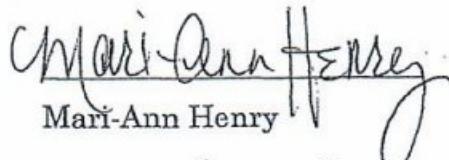
Amy Facchinello



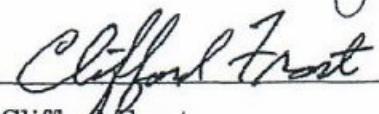
Rose Rook



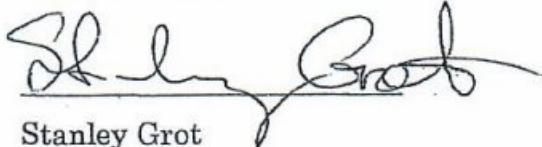
Hank Choate



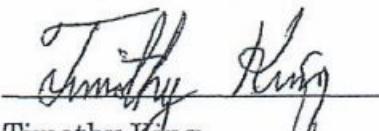
Mari-Ann Henry



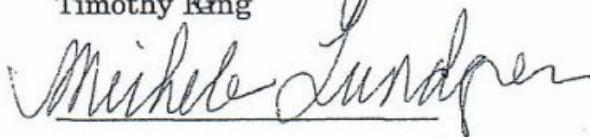
Clifford Frost



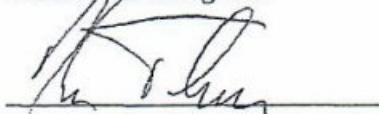
Stanley Grot



Timothy King



Michela Lundgren



Ken Thompson

**CERTIFICATE OF FILLING VACANCY
OF THE 2020 ELECTORS FROM MICHIGAN**

Upon the call of the roll, a vacancy became known due to the absence of
Elector

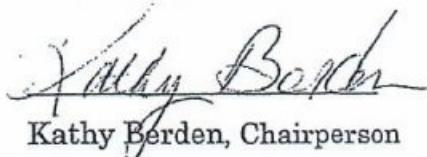
TERRI LYNN LAND

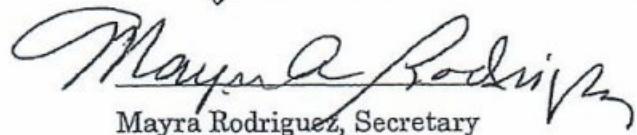
Thereupon, by nomination duly made and seconded,

KEN THOMPSON

Was elected by the Electors present, as an Elector of President and Vice President of the United States of America for the State of Michigan to fill the vacancy in the manner provided by law. This Elector participated in the proceedings as set forth in the record of the Electoral College.

IN WITNESS WHEREOF, the undersigned
Chairperson and Secretary of the
Electoral College of Michigan hereunto
Subscribe their names this 14th day
of December, 2020.


Kathy Berden, Chairperson


Mayra Rodriguez, Secretary

**CERTIFICATE OF FILLING VACANCY
OF THE 2020 ELECTORS FROM MICHIGAN**

Upon the call of the roll, a vacancy became known due to the absence of
Elector

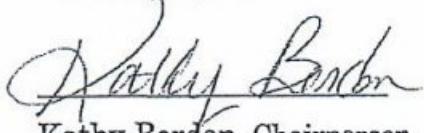
GERALD WALL

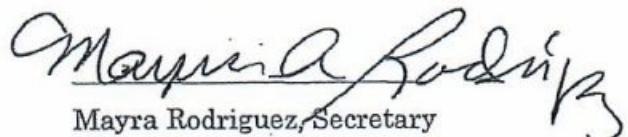
Thereupon, by nomination duly made and seconded,

JAMES RENNER

Was elected by the Electors present, as an Elector of President and Vice President of the United States of America for the State of Michigan to fill the vacancy in the manner provided by law. This Elector participated in the proceedings as set forth in the record of the Electoral College.

IN WITNESS WHEREOF, the undersigned Chairperson and Secretary of the Electoral College of Michigan hereunto Subscribe their names this 14th day of December, 2020.


Kathy Berden, Chairperson


Mayra Rodriguez, Secretary

**CERTIFICATE OF THE VOTES OF THE
2020 ELECTORS FROM MICHIGAN**

WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Michigan, do hereby certify the following:

- (A) That we convened and organized in the State Capitol, in the City of Lansing, Michigan, and at 2:00 p.m. Eastern Standard Time on the 14th day of December, 2020, performed the duties enjoined upon us;
- (B) That being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then for Vice President, by distinct ballots; and
- (C) That the following are two distinct lists, one, of all the votes for President; and the other, of all the votes for Vice President, so cast as aforesaid:

FOR PRESIDENT

Names of the Persons Voted For	Number of Votes
DONALD J. TRUMP of the State of Florida	16

FOR VICE PRESIDENT

Names of the Persons Voted For	Number of Votes
MICHAEL R. PENCE of the State of Indiana	16

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FROM: Kathryn Becker
Chair of the Michigan
Republican Electrical College
4040 Muskegon Road
Sparta, MI 48472

TO:

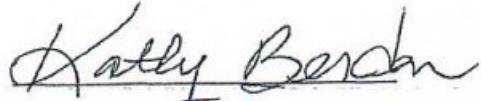
Ambassador of the United States
700 Pennsylvania Ave., NW
Washington, DC 20408

DEC 15

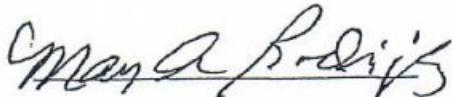
Label 226, March 2016
FOR DOMESTIC AND INTERNATIONAL USE

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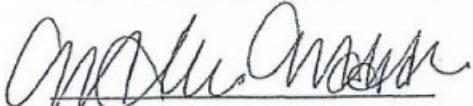
IN WITNESS WHEREOF, we, the undersigned, have hereunto, in the City of Lansing, in the State of Michigan, on this 14th day of December, 2020, subscribed our respective names.



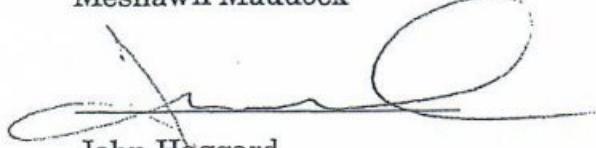
Kathy Berden, Chairperson



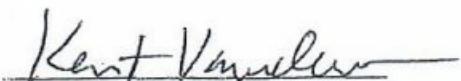
Mayra Rodriguez, Secretary



Meshawn Maddock



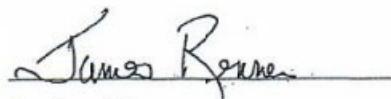
John Haggard



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Marian Sheridan



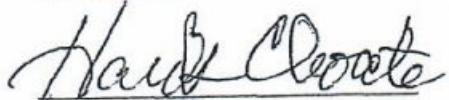
James Renner



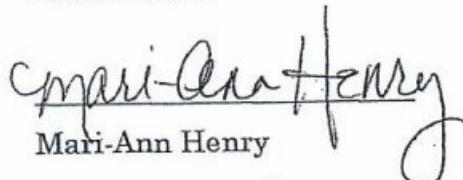
Amy Facchinello



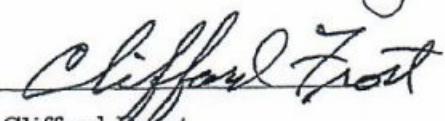
Rose Rook



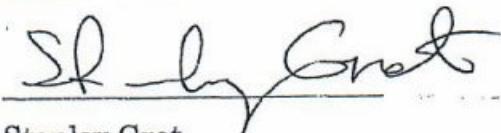
Hank Choate



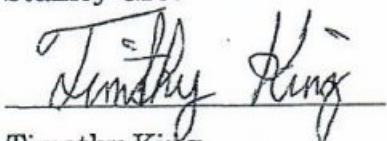
Mari-Ann Henry



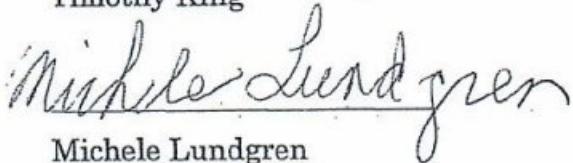
Clifford Frost



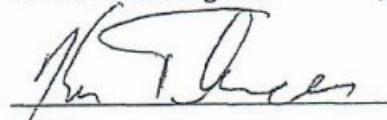
Stanley Grot



Timothy King



Michele Lundgren



Ken Thompson

**CERTIFICATE OF FILLING VACANCY
OF THE 2020 ELECTORS FROM MICHIGAN**

Upon the call of the roll, a vacancy became known due to the absence of
Elector

TERRI LYNN LAND

Thereupon, by nomination duly made and seconded,

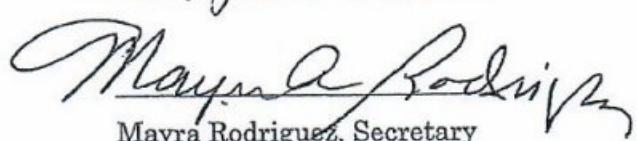
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IN WITNESS WHEREOF, the undersigned
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Electoral College of Michigan hereunto
Subscribe their names this 14th day
of December, 2020.



Kathy Berden, Chairperson



Mayra Rodriguez, Secretary

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Elector

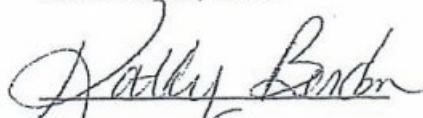
GERALD WALL

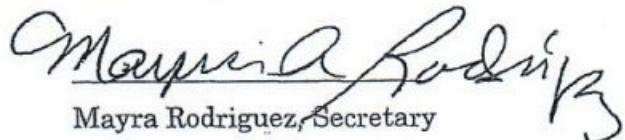
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Kathy Berden, Chairperson


Mayra Rodriguez, Secretary

ELECTORAL VOTES OF THE
STATE OF MICHIGAN
FOR PRESIDENT AND VICE PRESIDENT
OF THE UNITED STATES

EXHIBIT D

1
2
3
4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

-8
-9
-10
11 DEPOSITION OF: KATHY BERDEN

15 Friday, March 11, 2022

17 Washington, D.C.

20 The deposition in the above matter was held via Webex, commencing at 10:07
21 a.m.

1

2 Appearances:

3

4

5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED] SENIOR ADMINISTRATIVE ASSISTANT

9 [REDACTED] PROFESSIONAL STAFF MEMBER

10 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

11 [REDACTED] INVESTIGATIVE COUNSEL

12 [REDACTED] CHIEF CLERK

13 [REDACTED] PROFESSIONAL STAFF MEMBER

14

15 For THE WITNESS:

16

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2 [REDACTED] It is 10:07 a.m., on March 11th, and this is a deposition of Ms. Kathy
3 Berden conducted by the House Select Committee to Investigate the January 6th Attack
4 on the United States Capitol, pursuant to House resolution 503.

5 At this time, Ms. Berden, I'd ask you to please introduce yourself by stating your
6 full name and spelling your last name for the record.

7 The Witness. My name is Kathleen Berden, B-e-r-d-e-n.

8 [REDACTED] Thank you, Ms. Berden, and good morning.

9 And then, counsel, if you could please introduce yourself as well as others who are
10 attending this Webex deposition.

11 Mr. Columbo. Good morning. Michael Columbo, C-o-l-u-m-b-o, on behalf of
12 Ms. Berden. And on the line today also is David Warrington.

13 [REDACTED] Very well. And then --

14 Mr. Columbo. Sorry, we also have Erin Potter, P-o-t-t-e-r, paralegal in our office.

15 [REDACTED] Okay. And do you anticipate anybody else joining you or being in
16 the room with you and Ms. Berden?

17 Mr. Columbo. I don't believe so.

18 [REDACTED] Okay.

19 Mr. Columbo. That's everybody today. I don't believe Mr. Lacowski (ph) will be
20 with us today.

21 [REDACTED] Okay. And if at any time that changes, if anybody else is planning
22 to join from your side, please do let us know so we can make that known on the record.

23 As I introduced to you, Ms. Berden, my name is [REDACTED] I am a senior
24 investigative counsel for the select committee. Sitting to my right in the room is [REDACTED]

25 [REDACTED] He is a professional staff member for the committee. And we have a few

1 others joining via with Webex platform as well, also staff for the committee.

2 Members are permitted to join and ask questions, and if any members do join, I
3 will let you know as soon as I know so that you're aware that they're here.

4 This will be a staff-led deposition, which means that I will be the one primarily
5 doing the questioning. If others have questions, of course, I will give up the floor and
6 the microphone to them, but I anticipate being the one who asks most if not all of the
7 questions today.

8 Under the House deposition rules, neither committee members nor staff may
9 discuss the substance of the testimony that you provide unless the committee approves
10 its release. You and your attorneys will have an opportunity to review the transcript
11 after we're completed today, and I'll be in touch with Mr. Columbo and Mr. Warrington
12 about that opportunity that you'll have.

13 So there are a few ground rules generally, and we do follow the House deposition
14 rules that we've provided to you with the subpoena. There are official reporters. You
15 can see a few of them listed in the Webex platform there. They are going to be taking
16 the official record of this deposition. They're doing it with the court reporter keyboard
17 platform. So it's important that you use complete sentences as your answers, and they
18 can't take down things like head nods or incomplete responses like uh-huh, so please use
19 complete sentences or words to respond to answers.

20 Because it's also being taken down by them, it's very helpful if you wait until I
21 finish my question before answering, and I will make sure, as best as I can, to wait for you
22 to finish your answer before asking my next question. That makes their lives quite a bit
23 easier.

24 We do ask that you provide complete answers based on your best recollection.
25 If the question that I ask you is not clear, please ask for clarification. I'd be happy to

1 rephrase it, and I'd prefer that you understand what I'm asking rather than having you
2 answer something that you don't fully understand.

3 If you don't know the answer to something, you can say so, and please do so.
4 But you can only refuse to answer a question to preserve a privilege that's recognized by
5 the select committee. If you do refuse to answer a question based on any privilege,
6 then staff may either proceed with the deposition or seek a ruling from the chairman on
7 the objection. And, if the chairman overrules such an objection, you are required to
8 answer the question.

9 At this time, I am going to ask that you stand and raise your right hand to be
10 sworn by the reporter.

11 The Witness. Okay. You might lose me. I don't know.

12 Mr. Columbo. There we go.

13 The Witness. Okay.

14 The Reporter. Do you solemnly declare and affirm under the penalty of perjury
15 that the testimony you are about to give will be the truth, the whole truth, and nothing
16 but the truth?

17 The Witness. I do.

18 [REDACTED] Okay. So along those lines, I do want to remind you that it is
19 unlawful to deliberately provide false information to Congress. And since you were just
20 sworn and you are now under oath, deliberately providing false information could result
21 in criminal penalties for perjury or providing false statements.

22 So, with all of that that I just said about the ground rules, do you understand what
23 I went over?

24 The Witness. Yes.

25 [REDACTED] And do you have any questions about any of that?

1 The Witness. No.

2 ██████████ Very good. So, logically, if you do need to take a break to
3 consult with your attorneys or for comfort, just please let us know and we'd be happy to
4 do that. We can go off the record for any time that you need. Very good.

5 And, counsel, do you see any reason not to go ahead and proceed?

6 Mr. Columbo. No, █████ Fine to go ahead.

7 BY █████

8 Q All right. Thank you. So if we can pull up exhibit No. 1. And part of
9 what we're going to do is show you a few documents on the screen, and I'll make sure
10 that you can see them before we talk about them. But can you see what we're putting
11 up as exhibit NO. 1, Ms. Berden?

12 A Uh-huh.

13 Q Okay. Very good. So that is a subpoena that the select committee sent to
14 you. Do you recognize that?

15 A I do.

16 Q All right. And you are the person listed in the select committee subpoena
17 that's exhibit 1. Is that right?

18 A I am.

19 Q Okay. Part of the subpoena asks you to produce documents to the select
20 committee that were responsive to a schedule, a number of requests that accompanied
21 the subpoena. Did you search for documents or provide documents to your attorneys
22 to search and produce to the select committee?

23 A Yes.

24 Q Okay. And did that include documents, if any, that would've come from
25 your email accounts?